

California State Journal of Medicine.

Owned and Published Monthly by the

Medical Society of the State of California

PHILIP MILLS JONES, M. D., Secretary and Editor

PUBLICATION COMMITTEE

Harry E. Alderson, M. D.

René Bline, M. D.

Wm. P. Lucas, M. D.

Sol. Hyman, M. D.

Advertising Committee:

R. E. Bering, M. D., Chairman

Thos. E. Shumate, M. D.

ADDRESS ALL COMMUNICATIONS

Secretary State Society, - - -

State Journal, - - -

Official Register, - - -

Butler Building,
San Francisco.

Telephone Douglas 62

IMPORTANT NOTICE!

All Scientific Papers submitted for Publication must be typewritten.

Notify the office promptly of any change of address, in order that mailing list and addresses in the Register may be corrected.

VOL. XIV

JULY, 1916

No. 7

EDITORIAL NOTES

IMPORTANT NOTICES Read Them Carefully!

MALPRACTICE DEFENSE.

As all our members know, the State Medical Society has been defending its members in suits brought for damages for alleged malpractice, subject to certain rules and regulations, since July 1, 1909. Before referring to the recently approved extension of the work, it may be well to set forth here briefly the rules and regulations covering the operation of the present work.

1. The physician defendant must have been a member in good standing, dues fully paid, at the time of the alleged malpractice, and also at the time when the suit is filed against him.

2. Any member sued, or threatened with suit, must, within 48 hours, notify the Secretary of the State Society, forwarding any communications, summons and complaint, or correct copy thereof, with a full statement of the case.

3. If such member is also insured in an indemnity company, he must elect whether to have the company or this Society take charge of his defense; and he must be advised by the Secretary of the Society that if he does not immediately notify the insurance company, he violates his contract with the company and practically cancels his policy, in which event, if a judgment went against him, the company would not be compelled to pay it.

4. An action in the nature of a cross complaint, brought against a member who has sued a patient to collect an account due within one year from the termination of the services, will not be de-

fended by the Society, unless such member has, before suing his patient, applied to the Council of the State Society for, and received, permission to bring such suit.

5. The Society will not defend a member in an action originating in the treatment of some injury where an X-ray plate would have been of benefit and advantage in making a correct diagnosis, or in correctly treating the patient, and was not so taken, unless the member so sued can furnish the Council with a full and satisfactory explanation of why an X-ray plate was not made and kept by him.

All of these rules are comparatively simple and all of them have been approved by the House of Delegates of the State Society.

In any case where a member is being defended by an insurance company, and in which we feel that it will be desirable to have our own attorneys participate in such defense, we so participate. The Society makes sure that everything which should be done for the protection of its members, has been and is being done.

PAYING JUDGMENTS.

When the medical defense plan was adopted, the Society decided not to include the settlement of judgments which might go against members. As a result of this decision, quite a good many members, who felt that they might at some time or other have a judgment against them, have carried indemnity insurance with one or more insurance companies. Such a policy with an insurance company costs from \$15 to \$30 a year.

The House of Delegates, at the Fresno meeting, requested the Council to arrange a plan by which the members who desire to do so could contribute to a fund out of which charges of this kind against such members could be paid. This has been done, and the plan, as outlined and approved by the Council, and prepared by its attorneys, is published herewith. (See *infra*.)

SAFETY AT REASONABLE COST.

It will be seen from the plan presented under the heading "Malpractice Indemnity Fund," that any or all of our members may thoroughly protect themselves against possible judgments at a cost very much less than the amount paid to an insurance company. Even if there were a great many judgments, and even if the amount of them required a payment to the fund of \$15.00 as frequently as every other year, there would be a saving of at least 50% to each member participating in this enterprise. It is probable that if between 500 and 1000 members will take advantage of this offer, they will not have to pay an assessment more often than, at the most, once in five years, though of course this is merely surmise.

The reason why a promissory note for \$15.00, made payable one year after date, is required, is that the fund may be assured of the two successive years' contribution by every member participating, and thus avoid the difficulties and complications which would arise by a member paying one year and not the second.